

present case, since the omitted drawing is a flowchart for illustrating a series of method steps according to the invention.

The Applicant respectfully contends that this amendment does not introduce any new matter as defined by 35 USC 132, which states the basic statutory prohibition against addition of new matter by amendment. In addition, the Applicant contends that submission of Figure 3 cannot be considered new matter under 37 CFR 1.118, which states that:

"All amendments to the specification, including the claims and the drawings filed after the filing date of the application must conform to at least one of them as it was at the time of the filing of the application"

In the present case, Figure 3 conforms to both the specification as initially filed (see # 1 and #2 below) and to the claims as filed (see #3 below). Thus:

1. Figure 3 has been listed under the "Brief Description of the Drawings" section of the application as filed, and the brief description of this figure indicates that it refers to "a flowchart of the method of chromatic dispersion characterization according to one embodiment of the invention"

2. Each step illustrated in Figure 3 is fully described in the specification as originally filed as follows:

On page 8, lines 3-4, it is disclosed that "The process for characterizing the CD of the link is now as shown in Figure 3 and described next".

Step 31 (Put link out-of-service) is disclosed on page 8, line 5 by the text: "The link is put out of service, as shown in step 31".

Step 32 (Rx2 instructs Tx1 to set DC) is disclosed on page 8, lines 7-8 by the text: "The remote receiver 13' (Rx2) instructs the local transmitter 2 (Tx1) to set the bias DC, step 32, for the non-inverting slope".

Step 33 (Rx2 characterizes incoming signal, BER) is disclosed on page 8, lines 10-12 by the text: "The remote receiver Rx2 characterizes the incoming signal, step 33. The characterization is preferably in terms of BER".

Step 34 (Store measurement) is disclosed on page 8, line 16 by the text: "The measurement is preferably stored, as shown in step 34".

Step 35 (Rx2 instructs Tx1 to set DC') is disclosed on page 8, lines 19-20 by the text: "The remote receiver Rx2 now instructs the local transmitter Tx1 to set the bias DC', step 35, for the inverting slope".

Step 36 (Rx2 characterizes incoming signal, BER') is disclosed on page 8, lines 24-25 by the text: "The remote receiver Rx2 characterizes the incoming signal as it did in the previous case, step 36".

Step 37 (Store measurement) is disclosed on page 8, line 27 by the text: "The measurement is again stored, as shown in step 37".

Decision step 38 (BER = BER' ?) is disclosed on page 8, lines 28-30 by the text: "If the receiver signal is identical in quality, as given by the measured quality parameter within the accuracy of the measurement (BER in the example of Figure 3), decision step 38".

The NO arrow from the decision step 38 and decision step 39 (Match CD compensation to CD?) are disclosed on page 9, lines 1-3 by the text: "If the receiver signal is not identical in BER, ... If it is desired to compensate the CD, i.e., to match the chromatic dispersion compensation to CD, step 39".

The YES arrow from the decision step 38 and step 40 (CD match, link in CD = 0) are disclosed on page 8, lines 28-34 by the text: "If the receiver signal is identical in

quality, .... This can only occur if the CD is zero within the accuracy of the measurement method, step 40. Therefore, the dispersion compensation has matched perfectly the CD of the fiber plant and/or devices".

The NO arrow from the decision step 39 and step 41 (Store CD regime) are disclosed on page 9, lines 5-6 by the text: "If not, the CD regime is stored, as shown at 41".

Step 42 (Use stored data to predict a non-zero amount of CD) is disclosed on page 9, lines 7-9 by the text: "It may be possible to use this method to predict a non-zero amount of chromatic dispersion from the stored data, by comparing the quality of the received signal for each chirp regime, step 42."

The YES arrow from the decision step 39 and step 43 (Change values of DC) are disclosed on page 9, lines 2-4 by the text: "If it is desired to compensate the CD, i.e., to match the chromatic dispersion compensation to CD, step 39, the value of the DC bias is changed, step 43".

The repetition of steps 32-39 after step 43 is disclosed on page 9, lines 4-5 by the text: "the value of the DC bias is changed, step 43, the steps 32-39 are repeated until the matching regime is found".

3. Method claims 1-9 as filed define the method steps shown in Figure 3.

The Applicant contends that what is illustrated in Figure 3 completes the relationship between particular elements as disclosed and claimed in compliance with 37 CFR 1.83(a). It is presumed that inclusion of this Figure into the application will be beneficial, especially during the prosecution of the application.

In view of the above, the Applicant respectfully requests the office to accept and enter this Preliminary Amendment.

Respectfully submitted,



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Attachment: Figure 3 added by preliminary amendment